



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/689,931

10/20/2003

Paul Sung

15436.98.1

4863

22913

7590

05/29/2008

WORKMAN NYDEGGER  
60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

EXAMINER

CHERRY, STEPHEN J

ART UNIT

PAPER NUMBER

2863

MAIL DATE

DELIVERY MODE

05/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,931		<b>Applicant(s)</b> SUNG, PAUL	
	<b>Examiner</b> Stephen J. Cherry		<b>Art Unit</b> 2863	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 28 February 2008.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 36-57 is/are pending in the application.

    4a) Of the above claim(s) 48-53, 56 and 57 is/are withdrawn from consideration.

5) ☒ Claim(s) 45-47 and 55 is/are allowed.

6) ☒ Claim(s) 36-44 and 54 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 36-57 are in the application, with claims 48-53 and 56-57 withdrawn. In the amendment dated 11-2—2008, claims 36, 40-41, 45, 48, and 51 were amended, and claims 54-57 added.

### ***Election/Restrictions***

Applicant's election with traverse of election of species in the reply filed on 2-28-2008 is acknowledged. The traversal is on the ground(s) that the claim 48 does not recite the performance of any procedure of components. This is not found persuasive because the phrase "components previously processed by that calibration device" would be interpreted as referring to a process or procedure performed by a device that calibrates, which is a distinct species from what is claimed in claim 36, which recites uncalibrated components.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-44 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,571,191 to York et al in view of U.S. Patent 6,144,112 to Gilmore.

Regarding claim 36, York discloses a method comprising: performing a procedure on a component so as to generate calibration data concerning the component ('191, col. 4, line 57); transmitting the calibration data to an external storage source over a distributed network ('191, fig. 1 depicts network, and fig. 6, ref. 36); receiving a message over the distributed network concerning an error detected in the calibration data ('191, fig. 6, 36, information received by ref. 15), informing an operator of a calibrating device of the error detected in the calibration data ('191, col. 10, line 10), and

if the error is corrected, approving the component for distribution to a customer (this feature is inherent to the '191 York invention, in a vehicle maintenance environment vehicles are released for service when there are no remaining defects).

However, York does not describe the use of the calibration with newly manufactured, uncalibrated components. Gilmore discloses that maintenance facilities install new components, which require configuration ('112, col. 6, line 43)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to calibrate new components with the invention of York to ensure proper operation of the vehicle which components are installed in.

Regarding claim 37, and in view of the rejection of claim 36, York discloses a method, further comprising storing, at the calibrating device, the calibration data ('191, col. 6, line 18).

Regarding claim 38, and in view of the rejection of claim 36, York discloses a method, further comprising storing the calibration data in an archive storage device ('191, col. 6, line 18).

Regarding claim 39, and in view of the rejection of claim 36, York discloses a method, further comprising temporarily storing the calibration data in a file ('191, col. 6, line 18).

Regarding claim 40, and in view of the rejection of claim 39, York discloses a method, wherein transmitting the calibration data to an external storage device by way of the distributed network comprises transmitting contents of the file to a database over the distributed network, the transmitting of the file contents being performed in accordance with predetermined criteria ('191, col. 6, line 18).

Regarding claim 41, and in view of the rejection of claim 36, York discloses a method, wherein transmitting the calibration data to an external storage device by way of the distributed network comprises transmitting the calibration data to a database ('191, col. 6, line 18).

Regarding claim 42, and in view of the rejection of claim 36, York discloses a method, wherein the operator is informed of the error in real time ('191, col. 10, line 10, since procedure of figure 6 is performed by computer 12, and no delay step is disclosed, operation is inherently of sufficient speed to be considered in real time with respect to process taking place).

Regarding claim 43, and in view of the rejection of claim 36, York discloses a method, wherein receiving a message over the distributed network concerning the error detected in the calibration data comprises receiving instructions pertaining to steps that the operator should follow to correct the error in the calibration data ('191, col. 10, line 14).

Regarding claim 44, and in view of the rejection of claim 36, York discloses a method, wherein informing an operator of the calibrating device of the error detected in the calibration data comprises visually displaying the message to the operator of the calibrating device ('191, col. 10, line 25).

Regarding claim 54, and in view of the rejection of claim 36, York discloses a method of claim 36, wherein the error message indicates that a particular calibration or testing procedure has not been performed on the component ('191, col. 10, line 23).

***Allowable Subject Matter***

Claims 45-47 and 55 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 45 recites, "storing the calibration data received from the one or more calibrating devices in a database such that the calibration data is organized in a standard format that can be compared with other calibration data; comparing calibration data from one calibration device with calibration data from another calibration device; and enabling the calibration data to be accessed by one or more network devices of a global network". This feature, combined with remaining claimed structure, overcomes the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

Applicant's arguments with respect to claims 36-44, and 54 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJC  
/Bryan Bui/  
Primary Examiner, Art Unit 2863